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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,575	10/24/2003	Katsuya Sakaguchi	Q78019	6941
23373 7590 09/12/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER KIM, WESLEY LEO	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 09/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/691,575

**Applicant(s)**

SAKAGUCHI, KATSUYA

**Examiner**

Wesley L. Kim

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/16/07 has been entered.

### ***Response to Amendment***

This Office Action is in response to Amendment filed 5/16/07.

- Claims 1 and 7 are currently amended.
- Claims 4 and 11-12 are cancelled.
- Claims 8-9 are in their original form.
- Claims 1-3 and 5-10 are pending in the current Office Action.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3 and 5-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Applicants Admitted Prior Art (Specification of 10/691575).

**Regarding Claim 1**, Applicants Admitted Prior Art teaches, a case (Fig.1B, device has a case); a light mixing space disposed within the case (Fig.1B;12); a window section formed within a portion of a surface of the case and forming a side of said light mixing space (Fig.1B;3, the window section is a side of the mixing space); and, a light emitting surface disposed within the case adjacent to said light mixing space (Fig.1B;11 is adjacent to Fig.1B;12), wherein the light emitting surface emits light toward said light mixing space such that light emitted is directly transmitted toward said light mixing space in a direction such that the light emitted does not directly impinge to said window section (Fig.1B;11 is directed toward light mixing space 12 such that the center part of each emitted light beam does not directly strike the window section. From the figure it is seen that the center of the light emitting section is not directly impinge light to the window section).

**Regarding Claim 2**, the Applicants Admitted Prior Art teaches the light-emitting surface is attached to the wiring board (light emitting surface 11 is attached to wiring board 2).

**Regarding Claim 3**, the Applicant Admitted Prior Art teaches the light mixing space is an oblong space (Fig.1B;12).

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**Regarding Claim 5**, Applicants Admitted Prior Art teaches the light emitting surface emits at least any one of red, green, and blue light beams (Page.2, lines 14-16).

**Regarding Claim 8**, Applicants Admitted Prior Art teaches the window section is translucent (Page.3; lines 8-11).

**Regarding Claim 9**, Applicants Admitted Prior Art teaches the window section is creamy white (Page.2; lines 6-9).

**Regarding Claim 10**, Applicants Admitted Prior Art teaches the light emitting surface includes a means for emitting light when a call arrives at the portable terminal device (Page.2; lines 12-14).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art (Specification of 10/691575) in view of Ariga et al (U.S. Patent 5486816).

**Regarding Claims 6 and 7**, Applicants Admitted Prior Art teaches all the limitations as recited in claim 1, however Applicants Admitted Prior Art is silent on the light emitting section is a light emitting diode of side/surface emitting type.

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Ariga teaches an LED is a side/surface emitting type (Col.6;17-21), LEDs are well known in the art and Ariga teaches that there are side/surface emitting LEDs.

To one of ordinary skill in the art, it would have been obvious to modify the Applicants Admitted Prior Art, such that the light emitting section is a light emitting diode of side emitting type, to provide a method where the light can be directed into a general direction without having to bend the lead terminals to mount the LED.

### ***Conclusion***

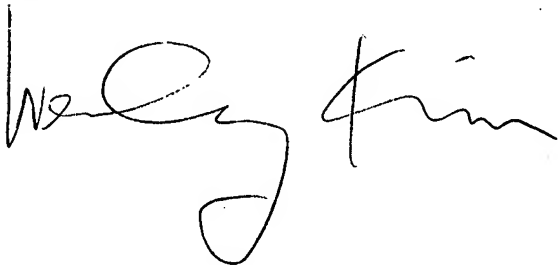
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WLK

A large, stylized handwritten signature in black ink, appearing to read 'WLK' followed by a flourish.A handwritten signature in black ink, appearing to read 'Duc M. Nguyen'.

DUC M. NGUYEN  
SUPERVISORY PRIMARY EXAMINER  
TECHNOLOGY CENTER 2600